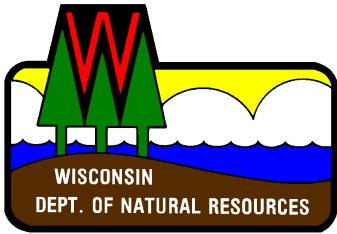


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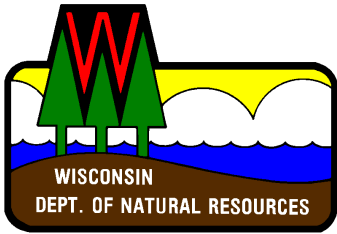
# 8-Hour Ozone NAAQS Litigation



## 8-Hour Ozone NAAQS Litigation

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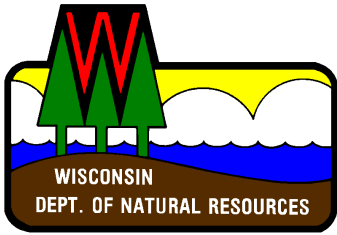
- ◆ Supreme Court Agreed to Hear Case
  - ◆ Both Sides Appealed Aspects of DC Circuit Court Decision
- ◆ Oral Arguments - November 7, 2000
- ◆ Court Decision Released - 2/27/01
- ◆ Validated both the 8-Hour Ozone and the Fine Particulate Standard



## 8-Hour Ozone NAAQS Litigation

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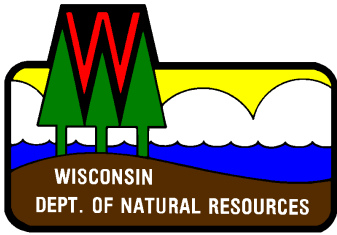
- ◆ Questions Presented to Supreme Court
  - ◆ Does EPA's Interpretation of the Clean Air Act Lead to an Unconstitutional Delegation of Authority?
  - ◆ Did DC Court of Appeals Exceed Its Jurisdiction in Reviewing Preamble Statements?
  - ◆ Does Clean Air Act Restrict EPA's Ability to Enforce New NAAQS?
  - ◆ Should EPA Consider Other Factors (Cost) in Setting Primary Standard?



## *What did the Supreme Court Do?*

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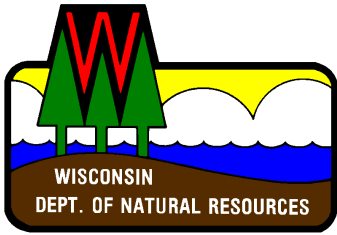
- ◆ EPA standard setting was NOT an Un-constitutional Delegation of Authority
- ◆ Court of Appeals had jurisdiction to review how standards were implemented
- ◆ EPA's 8-Hour Implementation Plan is Not Lawful
- ◆ EPA can NOT consider cost in setting the NAAQS



## *What was in Subpart 2 to Title I?*

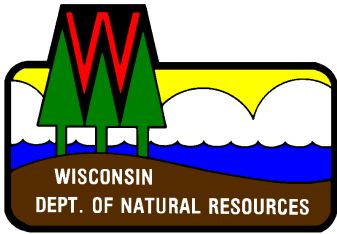
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- ◆ Creates ozone nonattainment classification based on severity of problem
- ◆ Sets deadline dates for each class
- ◆ Specifies control requirements



## *What Does this Mean for Wisconsin's Air Quality?*

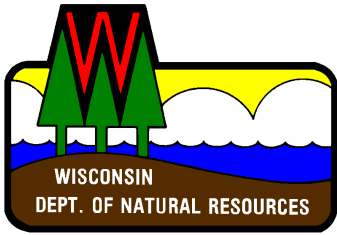
- ◆ Victory for Clean Air and Wisconsin Citizens.
- ◆ The 8-hour Ozone and Fine Particulate Standard will provide health protection.
- ◆ Ozone can lead to lung disease, decreased lung function and trigger asthma attacks.
- ◆ PM<sub>2.5</sub> leads to lung disease, heart disease and premature death.



## *What will happen now?*

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- ◆ To early to tell
- ◆ EPA must create a new implementation scheme for the 8- hour ozone standard that reasonable matches the structure of subpart 2
- ◆ EPA will have a lot of work to do
- ◆ EPA's new actions could stimulate more lawsuits



## *What Happens to the 1-Hour Attainment Plan?*

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- ◆ The Supreme Court Decision does not affect Wisconsin's 1-Hour Attainment Demonstration.
- ◆ Wisconsin is proceeding with the schedule to implement this plan.
- ◆ Additional voluntary reductions will help us with meeting the 8-hour standard